

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOE LOUIS AMERSON, JR., #36217

PETITIONER

VERSUS

CIVIL ACTION NO. 4:08-cv-3-DPJ-JCS

**MISSISSIPPI DEPARTMENT OF CORRECTIONS
AND STATE OF MISSISSIPPI**

RESPONDENTS

ORDER

This matter is before the court, *sua sponte*, to review the petitioner's habeas petition filed pursuant to 28 U.S.C. § 2254. This court finds that the petitioner failed to name the proper respondent. Rule 2(a) of the *Rules Governing Section 2254 Cases in the United States District Court* provides that the respondent named by the petitioner shall be the state officer having custody of the petitioner. Petitioner states that he is presently incarcerated at the South Mississippi Correctional Institution, Leakesville, Mississippi. Therefore, the petitioner is ordered to submit a written response to this order naming as the respondent the person who is his custodian where he is presently incarcerated. In addition, having reviewed the petition, the court finds that more information is needed regarding the exhaustion of petitioner's state court remedies.

Further, the court notes that the petitioner failed to file a complete application to proceed in forma pauperis. Specifically, petitioner failed to have the "Certificate" portion of the application completed by the authorized officer of the institution where he is currently incarcerated. It is, therefore,

ORDERED:

1. That on or before February 20, 2008, petitioner shall file a written response to this order by naming as the respondent the person who is his custodian, *i.e.* the Warden, Superintendent, or Jailor, where he is presently incarcerated.

2. That on or before February 20, 2008, petitioner shall file a written response to specifically state if the petitioner filed any petitions, application, or motions with respect to his conviction in any court, state or federal, and if so state: (a) the name of the court(s); (b) nature of the proceedings; (c) the grounds raised; (d) whether or not an evidentiary hearing was held; (e) the results; and (f) the date of the results.

3. That on or before February 20, 2008, petitioner shall file a written response informing this Court of the status of his motion for post conviction relief which he referenced in his petition.

4. That on or before February 20, 2008, petitioner shall file a completed "Certificate" portion of his application to proceed in forma pauperis or pay the required filing fee of \$5.00.

5. The Clerk shall mail the attached "Certificate" portion of an application to proceed in forma pauperis to the petitioner at his last known address.

6. If the petitioner has the funds to pay the filing fee, he shall do so by submitting the \$5.00 filing fee to the Clerk of Court, on or before February 20, 2008. Accompanying his payment shall be a written explanation that the money is being submitted as payment of the filing fee in this case, civil action number 4:08-cv-3-DPJ-JCS, on behalf of the petitioner, Joe Louis Amerson, Jr., #36217.

7. It is the petitioner's responsibility to prosecute this case. Petitioner must keep the court informed of any change of address and must comply with the court's orders in a timely fashion. Failure to do so may result in the dismissal of this action.

THIS, the 1st day of February, 2008.

s/ James C. Sumner

UNITED STATES MAGISTRATE JUDGE